

AMERICAN-JAPANESE EVACUATION CLAIMS

ACT JULY 2, 1948, CH. 814, 62 STAT. 1231

§ 1984. Compromise of claims by Attorney General; jurisdiction of United States Court of Federal Claims to determine claims timely filed; report to Congress; payment of awards; finality of decisions

[See main edition for text of (a)]

(b) The United States Court of Federal Claims shall have jurisdiction to determine any claim timely filed under this Act [sections 1981 to 1987 of this Appendix]. A petition for the determination of a claim by the United States Court of Federal Claims shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of such petition, the United States Court of Federal Claims shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the United States Court of Federal Claims the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case.

(c) On the first day of each regular session of Congress the Attorney General shall transmit to Congress a full and complete statement of all compromise settlements effected by the Attorney General under this Act, as amended [sections 1981 to 1987 of this Appendix], during the previous year, stating the name and address of each claimant, the amount claimed, and the amount awarded. All awards shall be paid in like manner as are final judgments of the United States Court of Federal Claims.

[See main edition for text of (d)]

(As amended Oct. 29, 1992, Pub. L. 102-572, title IX, § 902(b)(1), 106 Stat. 4516.)

AMENDMENTS

1992—Subsecs. (b), (c). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” wherever appearing.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

RESTITUTION FOR WORLD WAR II INTERNMENT OF JAPANESE-AMERICANS AND ALEUTS

PUB. L. 100-383, AUG. 10, 1988, 102 STAT. 903

TITLE I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

Sec.

1989b-9. Entitlements to eligible individuals.

(a) In general.

(b) Payments from discretionary appropriations.

(c) Definitions.

TITLE I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

§ 1989b. Short title

This title [sections 1989b to 1989b-9 of this Appendix] may be cited as the “Civil Liberties Act of 1988”.

(Pub. L. 100-383, title I, § 101, Aug. 10, 1988, 102 Stat. 904.)

CODIFICATION

Section is set out in this supplement to update a translation appearing therein.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-371, § 1, Sept. 27, 1992, 106 Stat. 1167, provided that: “This Act [amending sections 1989b-3, 1989b-4, 1989b-7, and 1989b-9 of this Appendix and enacting provisions set out as a note under section 1989b-4 of this Appendix] may be cited as the ‘Civil Liberties Act Amendments of 1992’.”

§ 1989b-3. Trust Fund

[See main edition for text of (a) to (d)]

(e) Authorization of appropriations

There are authorized to be appropriated to the Fund \$1,650,000,000, of which not more than \$500,000,000 may be appropriated for any fiscal year. Any amounts appropriated pursuant to this section are authorized to remain available until expended.

(As amended Pub. L. 102-371, § 2, Sept. 27, 1992, 106 Stat. 1167.)

AMENDMENTS

1992—Subsec. (e). Pub. L. 102-371 substituted “\$1,650,000,000” for “\$1,250,000,000”.

MAXIMUM AMOUNT AUTHORIZED FOR FUND

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 996, provided that: “Subject to the provisions of section 104(e) of the Civil Liberties Act of 1988 (Public Law 100-383; 50 U.S.C. App. 1989(b-3(e))) [subsec. (e) of this section], the maximum amount authorized under such section for any fiscal year is appropriated, from money in the Treasury not otherwise appropriated, for each fiscal year beginning on or after October 1, 1990, to the Civil Liberties Public Education Fund established by section 104(a) of the Civil Liberties Act of 1988, for payments to eligible individuals under section 105 of that Act [50 App. U.S.C. 1989b-4].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1989b-7, 1989b-9 of this Appendix.

§ 1989b-4. Restitution

(a) Location and payment of eligible individuals

(1) In general

Subject to paragraph (7), the Attorney General shall, subject to the availability of funds appropriated to the Fund for such purpose, pay out of the Fund to each eligible individual the sum of \$20,000, unless such individual refuses, in the manner described in paragraph (5), to accept the payment.

[See main edition for text of (2)]

(3) Benefit of the doubt

When, after consideration of all evidence and relevant material for determining whether an individual is an eligible individual, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of eligibility, the benefit of the doubt in resolving each such issue shall be given to such individual.

(4) Notice from the Attorney General

The Attorney General shall, when funds are appropriated to the Fund for payments to an eligible individual under this section, notify that eligible individual in writing of his or her eligibility for payment under this section. Such notice shall inform the eligible individual that—

(A) acceptance of payment under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 108(2)(B) [section 1989b-7(2)(B) of this Appendix], and

(B) each eligible individual who does not refuse, in the manner described in paragraph (5), to accept payment under this section within 18 months after receiving such written notice shall be deemed to have accepted payment for purposes of paragraph (6).

(5) Effect of refusal to accept payment

If an eligible individual refuses, in a written document filed with the Attorney General, to accept any payment under this section, the amount of such payment shall remain in the Fund and no payment may be made under this section to such individual at any time after such refusal.

(6) Payment in full settlement of claims against the United States

The acceptance of payment by an eligible individual under this section shall be in full satisfaction of all claims against the United States arising out of acts described in section 108(2)(B) [section 1989b-7(2)(B) of this Appendix]. This paragraph shall apply to any eligible individual who does not refuse, in the manner described in paragraph (5), to accept payment under this section within 18 months after receiving the notification from the Attorney General referred to in paragraph (4).

(7) Exclusion of certain individuals

No payment may be made under this section to any individual who, after September 1, 1987, accepts payment pursuant to an award of a final judgment or a settlement on a claim against the United States for acts described in section 108(2)(B) [section 1989b-7(2)(B) of this Appendix], or to any surviving spouse, child, or parent of such individual to whom paragraph (8) applies.

(8) Payments in the case of deceased persons

(A) In the case of an eligible individual who is deceased at the time of payment under this section, such payment shall be made only as follows:

(i) If the eligible individual is survived by a spouse who is living at the time of payment, such payment shall be made to such surviving spouse.

(ii) If there is no surviving spouse described in clause (i), such payment shall be made in equal shares to all children of the eligible individual who are living at the time of payment.

(iii) If there is no surviving spouse described in clause (i) and if there are no children described in clause (ii), such payment shall be made in equal shares to the parents of the eligible individual who are living at the time of payment.

If there is no surviving spouse, children, or parents described in clauses (i), (ii), and (iii), the amount of such payment shall remain in the Fund, and may be used only for the purposes set forth in section 106(b) [section 1989b-5(b) of this Appendix].

(B) After the death of an eligible individual, this subsection and subsections (c) and (f) shall apply to the individual or individuals specified in subparagraph (A) to whom payment under this section will be made, to the same extent as such subsections apply to the eligible individual.

(C) For purposes of this paragraph—

(i) the “spouse” of an eligible individual means a wife or husband of an eligible individual who was married to that eligible individual for at least 1 year immediately before the death of the eligible individual;

(ii) a “child” of an eligible individual includes a recognized natural child, a stepchild who lived with the eligible individual in a regular parent-child relationship, and an adopted child; and

(iii) a “parent” of an eligible individual includes fathers and mothers through adoption.

(b) Order of payments

The Attorney General shall endeavor to make payments under this section to eligible individuals in the order of date of birth (with the oldest individual on the date of the enactment of this Act [Aug. 10, 1988] (or, if applicable, that individual's survivors under paragraph (8)) receiving full payment first), until all eligible individuals have received payment in full.

[See main edition for text of (c) and (d)]

(e) Termination of duties of Attorney General

The duties of the Attorney General under this section shall cease 180 days after the Fund terminates.

(f) Clarification of treatment of payments under other laws

Amounts paid to an eligible individual under this section—

[See main edition for text of (1)]

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code¹ or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the amount of such benefits.

(g) Liability of United States limited to amount in Fund**(1) General rule**

An eligible individual may be paid under this section only from amounts in the Fund.

(2) Coordination with other provisions

Nothing in this title [sections 1989b to 1989b-9 of this Appendix] shall authorize the payment to an eligible individual by the United States Government of any amount authorized by this section from any source other than the Fund.

(3) Order in which unpaid claims to be paid

If at any time the Fund has insufficient funds to pay all eligible individuals at such time, such eligible individuals shall, to the extent permitted under paragraph (1), be paid in full in the order specified in subsection (b).

(h) Judicial review**(1) Review by the Court of Federal Claims**

A claimant may seek judicial review of a denial of compensation under this section solely in the United States Court of Federal Claims, which shall review the denial upon the administrative record and shall hold unlawful and set aside the denial if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(2) Applicability

This subsection shall apply only to any claim filed in court on or after the date of the enactment of this subsection [Sept. 27, 1992].

(As amended Pub. L. 101-162, title II, § 209(b), Nov. 21, 1989, 103 Stat. 1005; Pub. L. 102-371, §§ 4-6(a), Sept. 27, 1992, 106 Stat. 1167, 1168; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-371, § 4(c)(1)(A), substituted “(7)” for “(6)” and “(5)” for “(4)”.

Subsec. (a)(3). Pub. L. 102-371, § 4(a)(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 102-371, § 4(a)(1), (c)(1)(B), redesignated par. (3) as (4) and in subpar. (B) substi-

tuted “(5)” for “(4)” and “(6)” for “(5)”. Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 102-371, § 4(a)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 102-371, § 4(a)(1), (c)(1)(C), redesignated par. (5) as (6) and substituted “(5)” for “(4)” and “(4)” for “(3)”. Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 102-371, § 4(a)(1), (c)(1)(D), redesignated par. (6) as (7) and substituted “(8)” for “(6)”. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 102-371, § 4(a)(1), redesignated par. (7) as (8).

Subsec. (b). Pub. L. 102-371, § 4(c)(2), substituted “(8)” for “(6)”.

Subsec. (e). Pub. L. 102-371, § 5, substituted “180 days after the Fund terminates” for “when the Fund terminates”.

Subsec. (f)(2). Pub. L. 102-371, § 6(a), substituted “or available under any other law administered by the Secretary of Veterans Affairs, or for purposes of determining the” for “, or the”.

Subsec. (h). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in par. (1).

Pub. L. 102-371, § 4(b), added subsec. (h).

1989—Subsec. (g). Pub. L. 101-162 added subsec. (g).

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

Section 6(b) of Pub. L. 102-371 provided that: “The amendment made by subsection (a) [amending this section] shall be effective as of August 10, 1988.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1989b-3, 1989b-9 of this Appendix.

§ 1989b-5. Board of Directors of the Fund**REFERENCES IN TEXT**

Section 5311(b) of title 5, referred to in subsec. (d)(3), was repealed by Pub. L. 101-509, title V, § 529 [title I, § 104(c)(1)], Nov. 5, 1990, 104 Stat. 1427, 1447.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 1989b-7. Definitions

For the purposes of this title [sections 1989b to 1989b-9 of this Appendix]—

[See main edition for text of (1)]

(2) the term “eligible individual” means any individual of Japanese ancestry, or the spouse or a parent of an individual of Japanese ancestry, who is living on the date of the enactment of this Act [Aug. 10, 1988] and who, during the evacuation, relocation, and internment period—

[See main edition for text of (A) and (B)]

except that the term “eligible individual” does not include any individual who, during the period beginning on December 7, 1941,

¹ So in original. Probably should be followed by a comma.

and ending on September 2, 1945, relocated to a country while the United States was at war with that country;

[See main edition for text of (3) to (6)]

(As amended Pub. L. 102-371, § 3, Sept. 27, 1992, 106 Stat. 1167.)

AMENDMENTS

1992—Par. (2). Pub. L. 102-371 inserted “, or the spouse or a parent of an individual of Japanese ancestry,” after “Japanese ancestry” in introductory provisions.

§ 1989b-8. Compliance with Budget Act

No authority under this title [sections 1989b to 1989b-9 of this Appendix] to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, total benefits conferred by this title shall be limited to an amount not in excess of the appropriations for such fiscal year. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

(Pub. L. 100-383, title I, § 109, Aug. 10, 1988, 102 Stat. 910.)

CODIFICATION

Section is set out in this supplement to update a translation appearing therein.

§ 1989b-9. Entitlements to eligible individuals

(a) In general

Subject to sections 104(e) and 105(g) of this title [sections 1989b-3(e) and 1989b-4(g) of this Appendix] and except as provided in subsection (b), beginning on October 1, 1990, the payments to be made to any eligible individual under the provisions of this title [sections 1989b to 1989b-9 of this Appendix] shall be an entitlement.

(b) Payments from discretionary appropriations

(1) Payments

Any such payment made to an individual who is not of Japanese ancestry and who is an eligible individual on the basis of the amendment made by section 3 of the Civil Liberties Act Amendments of 1992 shall not be an entitlement and shall be made from discretionary appropriations.

(2) Authorization of appropriations

There are authorized to be appropriated for fiscal year 1993 and each subsequent fiscal year such sums as may be necessary for the payments from discretionary appropriations described in paragraph (1).

(c) Definitions

As used in this section—

(1) the term “discretionary appropriations” has the meaning given that term in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)); and

(2) the term “entitlement” means “spending authority” as defined in section 401(c)(2)(C)

of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(C)).

(Pub. L. 100-383, title I, § 110, as added Pub. L. 101-162, title II, § 209(a), Nov. 21, 1989, 103 Stat. 1005; amended Pub. L. 102-371, § 7, Sept. 27, 1992, 106 Stat. 1168.)

REFERENCES IN TEXT

Section 3 of the Civil Liberties Act Amendments of 1992, referred to in subsec. (b)(1), is section 3 of Pub. L. 102-371, which amended paragraph (2) of section 1989b-7 of this Appendix.

AMENDMENTS

1992—Pub. L. 102-371 designated existing provisions as subsec. (a), inserted heading, inserted “and except as provided in subsection (b)” after “105(g) of this title”, struck out “As used in this section, the term ‘entitlement’ means ‘spending authority’ as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974.” after “shall be an entitlement.”, and added subsecs. (b) and (c).

DEFENSE PRODUCTION ACT OF 1950

ACT SEPT. 8, 1950, CH. 932, 64 STAT. 798

TITLE I—PRIORITIES AND ALLOCATIONS

- | | |
|-------|--|
| Sec. | |
| 2074. | Limitation on actions without Congressional authorization.
(a) Wage or price controls.
(b) Chemical or biological weapons. |
| 2077. | Strengthening domestic capability.
(a) In general.
(b) Critical components and critical technology items. |
| 2078. | Modernization of small business suppliers.
(a) In general.
(b) Modernization of equipment. |
- TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY**
- | | |
|--------|---|
| 2094. | Defense Production Act Fund.
(a) Establishment of Fund.
(b) Moneys in Fund.
(c) Use of Fund.
(d) Duration of Fund.
(e) Fund balance.
(f) Fund manager.
(g) Liabilities against Fund. |
| 2099a. | Civil-military integration. |

TITLE VII—GENERAL PROVISIONS

- | | |
|---------------|---|
| 2153. | Civilian personnel. |
| 2154. | Regulations and orders.
(a) In general.
(b) Procurement regulations. |
| 2158a. | Repealed. |
| 2162. | Repealed. |
| 2165. | Repealed. |
| 2167 to 2169. | Repealed. |
| 2170a. | Prohibition on purchase of United States defense contractors by entities controlled by foreign governments.
(a) In general.
(b) Inapplicability to certain cases.
(c) Definitions. |
| 2171. | Defense industrial base information system.
(a) Establishment required.
(b) Sources of information.
(c) Strategic plan for developing comprehensive system.
(d) Capabilities of system.
(e) Report on subcontractor and supplier base. |